

401 KAR 47:136. Diversions of waste.

RELATES TO: KRS 224.10, 224.40, 224.99

STATUTORY AUTHORITY: KRS 224.10-100, 224.40-305, 224.43-340

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 224 requires the cabinet to adopt administrative regulations for the management, processing, and disposal of wastes. KRS 224.40-305 requires that persons engaging in the management, processing, or disposal of waste first obtain a permit from the cabinet. This chapter establishes the permitting standards for solid waste sites and facilities, the standards applicable to all solid waste sites and facilities, and the standards for certification of operators. This administrative regulation requires waste to be diverted to a permitted solid waste disposal facility with adequate capacity if the cabinet revokes, suspends or denies a permit or orders a solid waste disposal facility to cease accepting waste, or if the facility otherwise ceases to accept waste. That diversion shall require a minor modification to the permit of the receiving facility. The administrative regulation is necessary to assure that solid waste is disposed at permitted solid waste disposal facilities in a manner protective of human health and the environment and consistent with Kentucky's long-range planning goals for solid waste management.

Section 1. If the cabinet revokes, suspends or denies a permit for a solid waste disposal facility, orders the facility to cease accepting waste, or if the facility otherwise ceases to accept waste, the wastes which would have been accepted by the facility shall be diverted to a permitted solid waste facility with adequate disposal capacity. The diversion shall require a minor modification of the permit for the solid waste facility accepting the diverted waste, in accordance with 401 KAR 47:130.

Section 2. The owner or operator of the solid waste disposal facility prohibited from accepting waste shall post and maintain a clearly-legible sign advising the public that waste shall not be disposed at the facility. (17 Ky.R. 2093; 2448; eff. 3-13-1991; Crt eff. 10-9-2018.)